IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

MONDAY, THE 30TH JULY 2007 / 8TH SRAVANA 1929

# WA.No. 1648 of 2007(E)

AGAINST THE JUDGEMENT IN OP.NO.16597/2002 Dated 06/03/2007

APPELLANT: PETIIONER:

BAHULEYAN CHARITABLE FOUNDATION,INDO
AMERICAN HOSPITAL, BRAIN & SPINE CENTRE, WARD NO.8
BUILDING NO. 287 A,CHEMMANAKARY, VAIKOM-686 143,
REPRESENTED BY ITS MANAGING DIRECTOR
SRI.XAVIER SEBASTIAN.

BY ADVS. SRI.SIBY MATHEW
SRI.A.A.MOHAMMED NAZIR

RESPONDENTS: RESPONDENTS:

1. THE MARAVANTHURUTHU GRAMA PANCHAYAT,
MARAVANTHURUTHU, VAIKOM,REPRESENTED BY ITS
SECRETARY.

2. STATE OF KERALA, REP.BY THE SECRETARY
TO GOVERNMENT, LOCAL SELF GOVERNMENT DEPARTMENT,
GOVERNMENT SECRETARIAT, TRIVANDRUM.

SPECIAL GOVERNMENT PLEADER SRI.C.T.RAVIKUMAR
ADVOCATE SRI.C.VARGHESE KURIAKOSE

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 30/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**H.L.DATTU, C.J. & K.T.SANKARAN,J.**

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**W.A. NO. 1648 OF 2007 E**

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**Dated this the 30th July, 2007**

**JUDGMENT**

**H.L.DATTU, C.J**.

This appeal arises out of the order passed by the learned single Judge in O.P.No.16597 of 2002, dated 6th March, 2007. The learned single Judge by its order dated 6th March 2007, has disposed of the Original Petition. Aggrieved by the said order, the petitioner is before us in this Writ Appeal.

2. Sri.Mohammed Nazir, learned counsel appearing for the appellant, after arguing the matter for quite some time, thought it fit to withdraw the Original Petition and also the Writ Appeal so that this Court would be in a position to direct the Deputy Secretary to the Local Administration Department, Thiruvananthapuram to consider its application filed under Section 207 of the Kerala Panchayat Raj Act, 1994, dated 7.12.2005.

3. The memo filed by the learned counsel is taken on record. In view of the memo, the following orders are passed:

i) Memo filed by the learned counsel for the appellant, Sri.Mohammed Nazir, is taken on record.

ii) Learned counsel is also permitted to withdraw O.P.No.16597 of 2002.

iii) Learned counsel is also permitted to withdraw the Writ Appeal.

iv) Now that there is no impediment for the State Government to

consider the request made by the petitioner in its application dated 7.12.2005, a direction is issued to the Secretary, Local Administration (L) Department, Thiruvananthapuram to consider the application of the petitioner/appellant in accordance with law and in accordance with the provisions of the Kerala Panchayat Raj Act, 1994.

v) The appellant is permitted to produce such materials which are in its possession in support of its claim and the case before the Secretary, Local Administration (L) Department, Thiruvananthapuram.

vi) The Secretary shall consider the request of the petitioner/appellant in accordance with law without being influenced by any one of the observations made by this Court while disposing of O.P.No.16597 of 2002.

vii) All the contentions of both the parties are left open.

viii) In view of the order passed in the Writ Appeal, the relief sought for in I.A.No.570 of 2007 need not be considered by this Court. Accordingly, the said application is also rejected.

Ordered accordingly.

**(H.L.DATTU)**
**Chief Justice**

**(K.T.SANKARAN)**
**Judge**

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